

19459. Misbranding of Blair's female tablets and Blair's Ton-Ko-No herbs. U. S. v. 22 Packages of Blair's Female Tablets, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 27254, 27255. I. S. Nos. 36823, 36824. S. No. 5411.)

Examination of the drug products involved in this action disclosed no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed for the articles in the carton labels and circulars. The articles were also falsely labeled as to the place of manufacture.

On November 21, 1931, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 packages of Blair's female tablets and 31 packages of Blair's Ton-Ko-No herbs, remaining in the original unbroken packages at Sherman, Tex., alleging that the articles had been shipped by the Becker Chemical Co., Cincinnati, Ohio, on or about July 20, 1931, and had been transported from the State of Ohio into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of Blair's female tablets and Blair's Ton-Ko-No herbs showed that the female tablets contained plant drugs including a bitter drug; and that the Ton-Ko-No herbs consisted of a mixture of ground plant drugs including licorice and laxative drugs.

It was alleged in the libel that the articles were misbranded in that the following statements appearing in the labeling were false and misleading, since the said statements purported to give the name and address of the manufacturer of the articles: (Female tablets, carton) "Blair and Son Medicine Co., 1001 Cleveland Avenue, Sherman, Texas;" (Ton-Ko-No herbs, carton and circular) "Ton-Ko-No Medicine Co. 1001-1003 Cleveland Ave., Sherman, Texas." Misbranding was alleged for the further reason that the following statements, appearing on the cartons and in the circulars shipped with the articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Female tablets, carton) "Recommended for Suppressed or delayed Menstruation, falling of the Womb, Leucorrhoea, General Debility, Change of Life;" (female tablets, circular) "They assist nature along natural lines and avoid all unnatural disturbances which might tend to produce bad habits or disagreeable experiences. They do not contain large quantities of pernicious drugs that would deceive the patient into the belief that she was being benefited when she was only feeling the effects of an anesthetic. Nature's way may not be so rapid but it is more permanent and reliable, and the remedy that clears the way and gives nature a chance to do her perfect work is the most desirable medicine. * * * People differ and do not all require the same amount of medicine to produce good results;" (Ton-Ko-No herbs, carton) "Recommended for Stomach, Liver, Kidney and Bladder Trouble, Rheumatism, Etc. * * * health-giving herbs;" (Ton-Ko-No herbs, circular) "For the Blood, Liver, Kidneys, Stomach and Bowels This great Herb Remedy * * * accomplishes strikingly remarkable results because it assists nature to perform her perfect work. The blood, which is commonly recognized as the life fluid, depends for its value upon the digestive and secretory systems and the degrees of its strength, vigor and usefulness depends upon the vitality and harmony of these important functions. Good food becomes bad food in a very short time if it is improperly handled or exposed to contaminating or poisonous influences. This Herb Remedy assists nature to properly use and care for the daily food and by lightening the load and clearing the way enables nature to regain and hold control. Headache, Biliousness, Dyspepsia, Indigestion, Kidney and Bladder Trouble, also Rheumatism and all worn-out or tired feeling indicate the necessity for this remedy and there is no better remedy for the quick relief of these distressing conditions. It should be taken regularly and systematically until all the annoying symptoms disappear and a conscientious following of the printed directions will almost invariably give the most pleasing and satisfying results. * * * As there are no two persons exactly alike, these directions can be changed to suit each individual case. If it should act too freely on the bowels, lessen the dose or leave off taking the medicine for a dose or two, remembering that nature is the great healer and this medicine is only to assist nature."

On April 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*